

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL GOVERNANCE TASK FORCE AND  
GOVERNANCE ADVISORY COMMITTEE JOINT MEETING**

September 6, 2001  
MAG Office, Saguaro Room  
Phoenix, Arizona

**GOVERNANCE TASK FORCE MEMBERS ATTENDING**

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| * Mayor Skip Rimsza, Phoenix, Chairman   | * Mayor Keno Hawker, Mesa             |
| Mayor Ron Drake, Avondale                | Tom Martinsen, Paradise Valley        |
| Mayor Roy Delgado, El Mirage             | Mayor Wendy Feldman-Kerr, Queen Creek |
| Ed Beasley, Glendale                     | Jan Dolan, Scottsdale                 |
| Stephen Cleveland, Goodyear              | Bill Pupo, Surprise                   |
| Mayor J. Woodfin Thomas, Litchfield Park |                                       |

**GOVERNANCE ADVISORY COMMITTEE MEMBERS ATTENDING**

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| * Representative Carolyn Allen, Arizona House           | * Representative Deb Gullett, Arizona House                 |
| Roc Arnett, State Transportation Board                  | Ivan Johnson, Cox Communications                            |
| Bill Beyer, Citizens Transportation Oversight Committee | Valerie Manning, Greater Phoenix Chamber of Commerce        |
| Supervisor Jan Brewer, Maricopa County                  | Diane McCarthy, WESTMARC                                    |
| Representative Meg Burton Cahill, Arizona House         | Kevin Olson, Governor's Transportation Vision 21 Task Force |
| Senator Ed Cirillo, Arizona State Senate                | * Mary Peters, ADOT   |
| Mayor Doug Coleman, Apache Junction                     | Supervisor Sandie Smith, Pinal County                       |
| Representative Dean Cooley, Arizona House               | * Mayor Chuck Walton, Casa Grande                           |

\*Not present.

1. **Call to Order**

The joint meeting of the Regional Governance Task Force and the Governance Advisory Committee was called to order by Acting Chairman Wendy Feldman-Kerr at 11:45 a.m.

2. **Approval of August 23, 2001 Meeting Minutes**

Mayor J. Woodfin Thomas moved to approve the minutes of the August 23, 2001 meetings. Mayor Roy Delgado seconded, and the motion carried unanimously.

3. **Follow-up on the Roles and Responsibilities of MAG**

John Parr stated that he wanted to all to reach an agreement on the issues that need to be solved on roles and responsibilities. He listed four major issues identified for discussion. He indicated that he would like to test these issues with the committee members' ideas. 1) Lack of accountability of

Regional Council. Perceived parochialism of mayors in making regional decisions. 2) Lack of connection of local governments' land use decisions to the availability of adequate regional public facilities. 3) Lack of integration of all modes of transportation with funding, planning and operations. 4) Lack of adequate communication on issues which cross jurisdictional boundaries.

Mr. Parr asked if everyone was comfortable with the wording of the first issue.

Mayor Thomas stated that it is a perceived lack of accountability. He noted that has been discussed last time, MAG is accountable for their decisions.

Ivan Johnson expressed that there is talk about lack of credibility. This may be as a result of a lack of accountability. If credibility is not improved, it may be difficult to get the ½ cent sales tax extended.

Mr. Parr asked if there were other major issues that should be included to get to credibility. Mayor Ron Drake asked for clarification of the perception of a lack of accountability and whether this lack was perceived by the council members themselves. Mr. Parr explained that the perception was an external perception. Mayor Drake asked if the perception was based on data or newspaper articles. Mr. Bourey explained that the issue had been brought up by Kevin Olson at the last meeting. He explained that mayors are elected as mayors, not as Regional Council members, so this can lead to the perception of lack of accountability. Another factor in this perception is that because MAG is a large body, it is more difficult to hold them accountable.

Representative Dean Cooley stated that the perception has its roots in the fact that there were certain promises made as to the number of freeways and when they would be built. A number of factors contributed to the fact that they were not built. Representative Cooley stated that for the average person, not seeing the fruition has created a lot of these perceived problems that MAG has an inability to perform. Mr. Parr asked if this is more a credibility issue than accountability? Representative Cooley replied that they are somewhat tied together.

Valerie Manning mentioned adding a lack of identity of Regional Council? She stated that there are newcomers to the Valley that don't understand how decisions for this region are made. They understand their city and county, but their understanding of MAG as a regional agency is vague. Ms. Manning commented that they may think the county is the responsible agency. Large employers and CEOs may know what MAG is, but smaller businesses may not understand the impact of MAG.

Mayor Thomas commented on the concern expressed by Mr. Olson at the last meeting that when it was presented to the voters that we'd do certain projects, and those weren't done. There was discussion about whether we should put certain projects on the ballot or not. Some of the crux of this issue on whether we have accountability or credibility on that promise, that if we leave it open, there may be more problems with credibility. Mayor Rimsza was emphatic about being specific on the ballot. Mayor Thomas indicated his agreement with Mayor Rimsza. The business community may be even more concerned with what Vision 21 does, not including MAG.

Mr. Olson clarified his statements at the August 23rd meeting. He indicated that being too specific about plans, particularly with plans such as the 20 yr plan, saying that specific months of construction a certain project would be built, is a problem. Mr. Olson stated that a well thought out idea of what to do with money is needed.

Representative Cooley expressed his reinforcement of Ms. Manning's statement. If there is a perception that they don't know who we are, they don't know what's going on, then you have opportunity for negative reports, pessimism, negative aspects. So I think that's one of the things we have to deal with. The connection of voters to decision makers is important.

Mr. Parr asked about adding a "lack of identity" to the "lack of accountability."

Supervisor Smith stated that she was not sure general populace know what MAG is. When they see delays on freeways, then they start forming opinions. She noted that in her area, people don't know what CAAG is until they try to figure out who is responsible for their inconvenience. Supervisor Smith indicated that the media does not always expound on why a project was not done.

Mr. Bourey suggested that a statement could be made to include "a lack of clear identity and public understanding of MAG."

Mr. Cleveland commented that the problem could be a lack of authority. MAG really has no authority except to distribute money and to provide input and advice. The perception of lack of accountability is because there is no authority. This needs to be addressed through the process. Mr. Parr asked if all would agree that in transportation funding, MAG has authority? Mr. Cleveland commented on making sure projects don't negatively impact air quality. When it comes to decisions on the broader concept of transportation issues, it is reacting to projects submitted by jurisdictions, and not looking at how to provide better services.

Bill Beyer stated that a regional perspective is needed. A regional plan and implementation authority is needed. He indicated that the public is looking for some kind of regional authority, regional entity or regional cooperation that will bring about a transportation system for the next 20 years that is regionally focused rather than focused on the needs of each individual city.

Mr. Bourey clarified that any regionally significant project must be in the MAG five year program. The authority is there for the five year and 20 year plans. He stated that what Mr. Beyer's comment asks is whether MAG is using that authority beyond just rubber stamping. In other areas, like with growth issues, there isn't authority.

Mr. Cleveland stated MAG responds to projects submitted by individual jurisdictions. The process does not look at whether a project slated for 2006 should actually be built in 2002. MAG doesn't do anything other than going through the conformity process to put a project in TIP. If MAG were really the regional authority, they would say to adjust a project because of impacts.

Diane McCarthy asked if there was a sense that what Mr. Cleveland stated required discussion. She indicated that she, Mr. Olson, Ms. Manning, Mr. Beyer, and Ms. Dolan felt that way. She asked how the elected officials felt. Acting Chair Feldman-Kerr stated that one goal of this committee was to examine that, in order to be more effective. She commented how the Regional Council had expressed a strong desire to set the Task Force on the fast track and report back to them.

Ms. McCarthy stated that the committees have spent a lot of time talking, but she did not sense being any further ahead than we were a month ago. She stated that all can agree on major issues, but that isn't where we need to go. Ms. McCarthy stated that the committees need to look at functions, and how we are organized around the functions.

Acting Chair Feldman-Kerr asked if there is a lack of accountability, or only the perception.

Mayor Drake expressed his agreement with Acting Chair Feldman-Kerr. He commented that during his years on the Regional Council, he has witnessed a group of mayors working toward the betterment of the region. Mayor Drake commented that the Regional Council may have debated issues, but ended up voting for what was best for the region. He indicated that if we go down this slope, this would be going right down the Vision 21 road. Otherwise, you are creating a whole new MAG. If we identify this as a major issue, we may be going down a path that we don't want to go down. He stated his agreement with Ms. McCarthy.

Mr. Olson stated his belief there is a lack of accountability. He indicated that he believes that the Regional Council operates in good faith. He indicated that his issue was not whether Regional Council representatives are doing their best within the constraints of system, but in terms of accountability. If a citizen wants to hold someone responsible for bad decisions, and remove them for not being accountable, in that sense, there is no accountability. How Regional Council members vote at MAG is not taken into account in city elections. He expressed that he knew of no mayor in history where a vote on MAG has made a difference in an election. As a result if I want to hold MAG accountable for something, there is no way to do this as a citizen.

Roc Arnett stated that the lack of accountability issue perception could be created by the way things are organized. Funds predominately come from ADOT. The decisions are made by a different body than who supplies the money. The money comes from one place, decision from another. He commented that he felt that they both need to come from same table. Mr. Arnett indicated that he had ideas on how to organize.

Bill Pupo expressed concern with Mr. Olson's suggestion to form a newly elected body. This body would be creating a third legislative body.

Mr. Parr asked if there were concerns with adding the wording "perceived lack of accountability."

Supervisor Jan Brewer expressed that she had a problem with the language. She commented that she did not believe that a lack of accountability is perceived. Supervisor Brewer indicated that it is a real problem. There has to be accountability and MAG needs it. Who holds them accountable?

Mr. Arnett stated that MAG members hold each other accountable to the subject at hand. Issues are worked out so the solution is acceptable. He stated that there are many avenues for bringing decisions to the plate. ADOT, MAG, or RPTA do their thing, but they never really come to the same table.

Acting Chair Feldman-Kerr suggested changing to "an issue of accountability." Ms. Manning stated that, with all due respect, the committees wouldn't be here if there wasn't an issue of accountability.

Mr. Beasley stated that when you say perceived parochialism, you can't just hang this on the mayors. It doesn't start with mayors. There is parochialism, there are deals being cut. He stated that it was unfair to hang parochialism on the mayors.

Mr. Cleveland suggested changing the language to "issues of parochialism in making regional decisions." All agreed that issue #1 would read, "Issue of accountability of Regional Council. Issue

of parochialism in making regional decisions. Issue of clear identity and public understanding of MAG.”

Mr. Parr stated that next issue was “Lack of connection of local governments’ land use decisions to the availability of adequate regional public facilities.”

Ms. Manning stated that there has been discussion about land use decisions and transportation planning. She asked for clarification that adequate regional public facilities was included? Mr. Parr indicated yes.

Mr. Cleveland suggested substituting “there is no” instead of “lack,” because there is no connection. Mr. Bourey offered that because transportation decisions are based on land use decisions local governments have made. We take land use and model for our transportation decisions. That is what drives transportation systems. He commented that there is a connection, although it may not be a proactive effort.

Ms. McCarthy asked is this a connection, or an authority? She suggested adding “connection and authority.”

Mr. Cleveland stated that starting at level there is a need for connection between the two, the authority would follow.

Representative Cooley suggested adding “additional connection” since Mr. Bourey has indicated there is some connection. Mr. Arnett expressed his satisfaction with that. Mr. Bourey reviewed that the issue would read, “Need for additional connection of local governments’ land use decisions to the availability of adequate regional public facilities.”

Mr. Parr stated that the next issue was “Lack of integration of all modes of transportation with funding, planning, and operations.”

Acting Chair Feldman-Kerr stated that in light of what was just changed, perhaps the “need for integration” should be used, rather than “lack of.”

Mr. Arnett suggested adding to that at the end “to a final authority” or “single entity.”

Acting Chair Feldman-Kerr commented that by leaving it open, we can identify it later. Otherwise, the statement reads that there must be an authority.

Mr. Cleveland stated that this is dealing with issues, the authority is the how, which is the next step.

Mr. Parr stated that the fourth issue was “Lack of adequate communication on issues which cross jurisdictional boundaries.” He commented on changing “lack” to “need.”

Mayor Thomas commented that it was unfair to say there is a lack of communication. Mr. Bourey clarified that this issue was included because Supervisor Smith brought the issue up at the August 23rd meeting. Mayor Thomas stated that there may be areas that need improvement, but there is not completely a lack of communication. He brought up that MAG and PAG meet. He suggested changing to “improved” and eliminating “adequate.”

Acting Chair Feldman-Kerr suggested adding “improved and complete” communication.

Ms. Manning expressed her agreement complete communication is needed. But communication takes place in a lot of different ways. She asked the local government representatives if there is a need to formalize communication on regional issues. Acting Chair Feldman-Kerr stated that she felt this was true if talking about the mechanism for communication.

Ms. Manning stated that if discussion was about regional issues that go across local boundaries. How do you formalize communication on other levels across these boundaries?

Mr. Parr commented that the way this was written addresses local governments. He asked if members felt this was an issue.

Mayor Drake stated that how we communicate across counties doesn’t seem to be a major issue for mayors. But if we want to address business, that is a different issue and should be rewritten.

Supervisor Smith stated that communication is a major issue when roads are being put in. If we are not communicating, then there is not a clear direction of where we want to go.

Representative Cooley posed a question and scenario: In the event the decision was to go to a regional authority. Can a regional authority work in place with what we have in place now, cross jurisdictions where have common regional problems? Mr. Bourey replied that an MPO’s jurisdiction could be expanded to include areas outside their county. Representative Cooley asked if regional authority lines could be drawn where there is a common interest.

Supervisor Brewer stated that some could say MAG already had that authority. One of the largest unincorporated areas has no representation on this body. They haven’t been included. It was deemed that population would not be included. Why invite those outside of region, if not including all the people in the region?

Mayor Thomas stated that is the situation because Sun City has refused to incorporate. If they want to have more say, then they need to incorporate and form a city. He noted that Sun City is represented by Maricopa County.

Supervisor Smith commented that funding needs to be available to take care of that additional authority.

Mr. Parr asked if members were comfortable with “increased communication.”

Mr. Parr stated that at the last meeting after discussion about land use and adequate public facilities, staff was asked to come back with various approaches.

Mr. Bourey explained the concept for ensuring adequate regional public facilities would be available concurrent with development as it took place. As major developments are proposed, MAG would review if adequate regional public facilities were available so cities could use that in decision making process. At the August 23rd meeting, members asked for alternatives. Mr. Bourey expressed that he wanted to emphasize that all of these alternatives have a high level of complexity, and MAG was not advocating any particular one. He provided a handout of his presentation.

Mr. Bourey stated that a Regional Land Use Plan could be developed based on public facility infrastructure plans and capacities. The Plan could depict allowable development based on public facility capacity and could guide decision making by local governments.

Mr. Bourey stated that regional public facilities impact fees could be established for regional public facilities. Each local government would charge the impact fees, which would include the full cost for providing facilities. These impact fees would be used to build facilities as close to the time of impact as possible.

Mr. Bourey explained the continuous review of public facility capacity. MAG could establish a baseline of available public facility capacity. Impacts of already approved developments would be figured into available capacity. With each conceptual plan approval submitted by local governments, MAG would do analysis and reduce available capacity of public facilities. Mr. Bourey indicated that a running total would be maintained. Mr. Bourey stated that MAG would report, perhaps quarterly, on available capacity. Local governments could use this information when evaluating development proposals.

Mr. Parr stated that one of the goals is to deal with this issue of local land use decision making and connection. He asked members for their reactions to the alternatives for regional public facilities.

Mr. Beasley commented that the alternatives are issues that might warrant discussion, however, he expressed he did not understand how they connect to the study of governance.

Acting Chair Feldman-Kerr stated that one of the issues that might be considered is land use planning at local level and adequate public facilities.

Mr. Bourey stated that the issue that had been discussed extensively by both committees is that cities do a great job of tying local town facilities to transportation, but there may not be a tie to adequate capacity at the regional level when there is development. He cited Anthem as an example, where they offered to do interchanges, but the capacity of I-17 wasn't there.

Mr. Cleveland stated that he had requested alternatives be drafted because regional information is lacking when local projects are being planned. If development had been looked at from a regional perspective, would the project have been done? He suggested telling communities that by this development decision, these are the impacts. Developers could be told to advance money for adequate public facilities and services, perhaps even non-traditional facilities, or don't go forward. Mr. Cleveland referred to the elderly mobility issues heard at the September 5, 2001 Management Committee meeting. He explained that the presentation showed that the elderly who need transit are furthest located from transportation facilities. Mr. Cleveland commented that a transportation system has not been built to support that need.

Mr. Olson suggested discussing whether MAG or another body will have some role in approving or deciding whether there are adequate facilities.

Ms. Dolan commented on the level of who makes decision on half cent sales tax. It could be a group of people that make that decision, or could be legislation that says you must look at impacts, and provide that those impacts be mitigated, whether or not those impacts are within your own community.

If a community is going to approve a development that is going to have an impact, in their own community or three communities away, they must provide a mechanism to mitigate it.

Mayor Delgado commented on the need for authority. Mr. Parr asked about the number of mechanisms that could be used.

Supervisor Smith asked for clarification if zoning responsibility would be turned over to MAG. Mr. Parr replied that it would not. Supervisor Smith expressed that this was how she interpreted the discussion.

Mr. Cleveland suggested not transferring authority, but placing the cost of development on those who are causing it. The cost would not be borne by the region. Mr. Cleveland expressed his hope that local decisions would be based on better data. He stated his agreement with Ms. Dolan's comment for local agencies to mitigate impact. How developers achieve it is their decision. If they can't achieve, they don't get a right to build.

Ms. Dolan presented a scenario: If Scottsdale works out impacts with a developer, but the impact calls for widening of a roadway in Paradise Valley. Who makes decision on whether that gets built? She commented on making a decision on whether there are overriding considerations.

Mr. Olson stated that objective standards are very difficult to develop without a regional body. He commented that if there is no governing body who can make decisions, the decision could be turned over to the courts.

Mr. Beasley commented that if MAG is perceived as parochial, why would cities turn their economic development over to each other? He indicated that if he didn't know what was going to happen in Peoria or Buckeye, for instance, why would he want to turn over his city's money?

Acting Chair Feldman-Kerr stated that any elected body is parochial. Whoever has elected you, you are beholden to. Once elected, we have to work together. When a council comes together, they represent districts.

Mr. Beasley commented that it is difficult to do with a weighted voting scenario. Acting Chair Feldman-Kerr stated that even though MAG has weighted voting, it is not used.

Mr. Beyer referred to the white paper from Denver, Colorado on an intergovernmental approach to rise above parochialism. They formed a way of coordination. Mr. Beyer asked Mr. Parr how this approach would be relevant to the issues under discussion. How does Denver translate to Maricopa and Pima? Mr. Parr replied that could be discussed at the next meeting.

Mayor Thomas commented on a perceived lack of control. All have controls in place. He stated that it is nice to set an ideal, but if information is made available, that issue can be relieved. Mayor Thomas commented that the human element, that people may make bad decisions, will still be there. We have the tail wagging the dog. Not sure that is a positive process. Mayor Thomas stated that providing a repository of information so that all could locate information on projects that impact them would only provide information, not control. Cities don't want another city telling them what to do.



Ms. Dolan referred to an earlier comment on how county government works. She stated that the greatest concern was land use/transportation and impacts of these decisions that are important part of economic engine and quality of life in communities. What brought these groups together was concern over who would support the half-cent sales tax, who will have authority to determine which projects get built, and whether this group is trustworthy enough to make decisions that will be best for each community. That is what this boils down to: Who will be that group who makes that decision? Ms. Dolan indicated that it matters a lot to major interests here, business, communities, legislators, and those elected by citizens. She stated that discussion needs to get back to that issue and why most people here at this table.

Representative Meg Burton Cahill stated that her district is Tempe/part of Ahwatukee. She indicated that her community is a pass through community. Representative Cahill stated that some type of mechanism to protect communities affected by people passing through. She commented on difficulties encountered by citizens using dial a ride and transit to connect across cities. Representative Cahill stated she did not have a solution, but the way things have been going are not perfect.

Mr. Parr asked members for feedback on Ms. Dolan's comments to forget other issues and concentrate on how do we make decisions on the expenditure of transportation dollars.

Mr. Cleveland stated that he would not be ready to support without a direct connection between land use and transportation. He stated that Anthem is just one example of adequacy questions. Mr. Cleveland commented that the wealth of land and the ability to purchase large tracts of land are factors. If data is not collected, then decisions cannot be made on whether, for instance, Anthem should precede or follow widening of I-17. Mr. Cleveland stated that land use decisions are made within the bowl and when we drop a rock in the bowl, we never see what slops out. Regional aspects of land use must be connected to transportation.

Acting Chair Feldman-Kerr stated that she joined this task force to address everything as a whole. She commented that the makeup of the governing board couldn't be discussed until other issues are decided first. If a mayor does not have a partnership with business, the mayor will not be successful as a mayor. If I don't have partnerships in my community, I can't get anything done. Why can't we get other people to the table without changing our structure?

Mr. Cleveland indicated that he did not want discussion limited to transportation and land use. Mr. Beasley agreed. Parochialism needs to be discussed. If people are added, they have rights and responsibilities. They vote, they need to pay, then they get money, which means a smaller share of pie for each. Are we willing to do that? It comes to the issue: Whom do you trust? How can we interact with those who think we are not capable of dealing with the tax? It is a good issue, but not where we need to be.

Acting Chair Feldman-Kerr stated that the goal needs to be determined. The next time together we need to figure out what we are going to accomplish the timeline. In what order do we discuss them so we can accomplish something by end of year?

Mr. Cleveland suggested that a 4 to 6 hour session could be more productive. He commented on including discussion of the Mile High Compact, to determine if it would be a governance tool. Is an intergovernmental agreement something we could enter into and make it work? Acting Chair

Feldman-Kerr asked if a priority order meeting should be held first. It was agreed to proceed with a 4 to 6 hour session.

Mr. Cleveland stated that the success of process dictates that a majority at the table agrees to do something. Leadership says we helped it to be successful. We helped create a new model for what governance going to be about. The organization exists on whether all of us as a whole can get on same page.

Ms. Dolan stated that she would like to see a regional governance structure for regional issues so that people can buy in and feel comfortable with it.

Representative Cooley requested a contact list of Task Force and Advisory Committee members.

4. Geographic Extent of the Region

This agenda item was not considered.

There being no further business, the meeting adjourned at 1:30 p.m.

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Chairman

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Secretary